

SENATE BILL 2122

By Yager

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 1; Title 3, Chapter 14, Part 2; Title 3, Chapter 2 and Title 3, Chapter 7, relative to the legislature.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 3-2-107(a)(2)(B), is amended by adding the following language as a new subdivision:

The committee shall disclose on the fiscal note the names of all governmental or nongovernmental entities that supplied information and all governmental or nongovernmental entities that the committee consulted when creating the fiscal note.

SECTION 2. Tennessee Code Annotated, Title 3, Chapter 7, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Agency" means a department, board, commission, institution, office, agency, or other entity of state government;

(2) "Executive director" means the executive director of the fiscal review committee;

(3) "Form" means the official support form issued by the fiscal review committee of the general assembly;

(4) "Information" means data, estimates, and statistics used by an agency in making a fiscal determination; and

(5) "Legislation" means a general bill, amendment, or resolution filed by a member of the general assembly.

(b) Upon the submission of a form to an agency as part of a request for the agency's fiscal determination of legislation, the agency shall disclose on the form all sources used in making the fiscal determination.

(c)

(1) A sponsor of a bill or resolution who disagrees with any aspect of the fiscal note for the bill or resolution or with any aspect of a fiscal memorandum for an amendment to the bill or resolution may file a dispute with the fiscal review committee.

(2) A sponsor of an amendment who disagrees with any aspect of the fiscal memorandum for the amendment may file a dispute with the fiscal review committee.

(3) If a disputed fiscal note or fiscal memorandum is based on information supplied by an agency, then the committee shall immediately notify the agency of the dispute in writing. The agency shall disclose all information within a reasonable period of time, as determined by the executive director, after receiving notification of the dispute.

(4) The process for filing the dispute under subdivision (c)(1) shall be developed and implemented in accordance with policies set forth by the fiscal review committee.

(d) Upon an agency's failure to disclose the information required under subsection (b) or (c), the fiscal review committee may require, by joint agreement of both chairs, the commissioner or presiding officer of the agency, the chief financial officer of the agency, or legislative liaison for the agency to appear before the committee to testify about the agency's conclusions with respect to the fiscal impact of the legislation, including, but not limited to, the agency's refusal or failure to disclose information required under subsection (b) or (c).

(e) The committee is entitled to receive information that is required by law to be kept confidential. Before submitting any such information to the committee the submitting agency shall conspicuously mark each confidential document in a manner that indicates that the document is to be kept confidential and that notes the legal authority under which the document must be kept confidential. The committee shall maintain the same level of confidentiality as is required by law of the agency from which the report is obtained. Members and staff of the committee are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the agency from which the report is obtained.

SECTION 3. Tennessee Code Annotated, Section 3-14-201, is amended by adding the following as a new subdivision (a)(6) and redesignating the subsequent subdivision accordingly:

(6) Assist members and committees of the general assembly with the creation of general appropriations bills and amendments to general appropriations bills;

SECTION 4. Tennessee Code Annotated, Section 3-14-201, is amended by deleting subsection (c).

SECTION 5. Tennessee Code Annotated, Section 3-14-203, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)

(1) The director of the office of legislative budget analysis is authorized to hire ten (10) staff members for the express purpose of creating legislative general appropriations bills and assisting members of the general assembly with the analysis of the governor's general appropriations bill. Five (5) of the staff members hired shall assist members of the house of representatives in the creation and analysis of appropriations bills, and five (5) of the staff members

hired shall assist members of the senate in the creation and analysis of appropriations bills.

(2) The staff members hired under subdivision (b)(1) shall be employed on recommendation of the director with approval of the speakers.

(3) This subsection (b) does not prohibit the employment of more than ten (10) staff members upon the recommendation of the director and approval by the speakers.

SECTION 6. This act shall take effect July 1, 2018, the public welfare requiring it.